



May 4, 2017

TO: ALL CONCERNED
FROM: 
Nolan P. Espinda, Director
SUBJECT: **AMENDMENTS TO COR.14.20: ACADEMIC/VOCATIONAL
PROGRAM MANDATES**

The following are the significant changes to COR.14.20, effective May 4, 2017:

- 1) In Section 2.0, changed Reference section to References and Forms, and renumbered subsequent sections.
- 2) Updated references to include relevant Federal and State laws and regulations.
- 3) Updated Definitions and added: CPS-EM, Curriculum, GED, HPA, HSE, IDEA, SMS, and Title I.
- 4) In Section 5.2, added criteria for priority program placement.
- 5) In Section 5.7, added criteria for determining eligibility for Federal Title I services.
- 6) Modified numbering so that numbering is consistent and sequential.
- 7) Modified formatting so that it is consistent with other policies.
- 8) Other minor grammar changes.

If you require any clarification, please contact Shelley Nobriga at 808-587-1262 or shelley.d.nobriga@hawaii.gov. COR.14.20 is to take effect on May 4, 2017.

	DEPARTMENT OF PUBLIC SAFETY CORRECTIONS ADMINISTRATION POLICY AND PROCEDURES		EFFECTIVE DATE: May 4, 2017	POLICY NO.: COR.14.20
			SUPERSEDES (Policy No. & Date): COR.14.20 & 03/20/2009	
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1.0 PURPOSE

To define and establish operational procedures for compliance with Hawaii Revised Statutes § 353-64.

2.0 REFERENCES AND FORMS

.1 References

- a. 34 CFR Parts 200 and 300 – Improving the Academic Achievement of the Disadvantaged; Individuals with Disabilities Education Act (IDEA), including §§ 200.90 through 200.103, Subpart D – Prevention and Intervention Programs for Children and Youth Who are Neglected, Delinquent, or At-Risk of Dropping Out.
- b. Department of Public Safety (PSD) Offender Programs, Education Program Model.
- c. Every Student Succeeds Act, Public Law, Public Law 114-95, 129 Stat. 1802, Reauthorizing the Elementary and Secondary Education Act of 1965 to ensure that every child achieves, 2015.
- d. Hawaii Revised Statutes (HRS) § 353-1.1 (4), Establishment of Community Correctional Centers.
- e. HRS § 353-64, Committed Persons Paroled.
- f. HRS § 354D-3, Correctional Industries Program.
- g. HRS § 354D-4, Powers and Duties of the Director.
- h. Individuals with Disabilities Education Improvement Act of 2004, Public Law 108-446, 118 Stat. 2647, reauthorizing the Individuals with Disabilities Education Act.
- i. Title I, Part D Program, *The Prevention and Intervention Programs for Children and Youth Who are Neglected, Delinquent or At Risk*, reauthorized under the Elementary and Secondary Education Act (ESEA), as amended in 2001.

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.2 Forms

- a. PSD 8400, Parole Eligibility form, attached.
- b. PSD 8401, Notification of Inmate Requirements Under HRS § 353-64, Committed Persons Paroled form, attached.

3.0 DEFINITIONS

- .1 Authorized Program: Academic/career and technical education programs approved by the Department of Public Safety through the Corrections Program Services Division. These include programs that have been sanctioned by the Corrections Education Services Branch Manager, and training programs established through the Corrections Program Services Division with Correctional Industries for correctional facilities.
- .2 Authorized Program Openings: Opportunities for inmates to be placed in an academic or vocational program that meet the individual's personal and career goals, treatment needs, and academic needs.
- .3 CPS-EM: Corrections Program Services – Education Branch.
- .4 Curriculum: The aggregate of subjects comprising a course of study in a school, college and/or university.
- .5 GED: General Educational Development.
- .6 HPA: Hawaii Paroling Authority.
- .7 HRS § 353-64: This statute requires that any committed person confined in any state correctional facility, in order to be eligible for parole, must participate in or complete an academic, career, technical, and/or training industry education program. PSD shall determine successful participation and completion.
- .8 HSE: High School Equivalency.
- .9 IDEA: Individuals with Disabilities Education Improvement Act of 2004.
- .10 Participation: Active enrollment in a full program or program phase leading to a certificate of completion or participation, a high school diploma, certificate from an accredited educational institution, college degree, state and/or

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national certification or license.

- .11 SMS: Student Management System refers to the Internet-based management information system used to manage student data, including student courses and attendance.
- .12 Title I: Title I, Part D Program, *The Prevention and Intervention Programs for Children and Youth Who are Neglected, Delinquent or At Risk*, for eligible youths under the age of twenty-two without a high school diploma or HSE.

4.0 POLICY

In compliance with the provisions of HRS § 353-64, all offenders committed to a State correctional institution in execution of any sentence, and which is subject to parole, shall participate in academic and/or career and technical programs as a condition of eligibility for parole, unless the offender is deemed unsuitable for the program.

5.0 CRITERIA FOR PROGRAM PARTICIPATION

- .1 The Education Services Branch Manager of the Corrections Program Services Division shall review all authorized academic and career and technical education training programs, and establish program capacities by determining the maximum number of inmate students who can be served at any given time. These capacities shall be reviewed on a regular basis.
- .2 Authorized programs may vary in availability depending on facility size and inmate custody levels. Inmates housed at facilities where appropriate authorized program openings are not available shall be placed on a waiting list for program placement. Education program placement shall be on a first come, first served basis.
 - a. If an inmate qualifies under Title I, he/she shall be given priority for program placement.
 - b. If an inmate has a tentative parole or release date of six (6) months or less, he/she will be given priority for program placement.
- .3 All adults sentenced to a term of confinement subject to parole, who have less than six months to serve prior to an estimated furlough or parole release date, and reading below the secondary level as determined by standardized tests, shall be considered suitable for the participation requirements of HRS §

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353-64.

- .4 Inmates who are unable to complete a designated program prior to parole date shall be recommended to continue educational programs, and such recommendation will be part of the parole plan.
- .5 All adults sentenced to a term of confinement subject to parole, and have six months or more to serve prior to an estimated furlough or parole release date, shall be presumed suitable for participation in authorized programs. Such programs may extend beyond the parole release dates. In such cases, these programs shall be recommended for inclusion in the inmate's parole plan.
- .6 The HPA shall be notified within 30 days, whenever an inmate formally refuses to participate in an authorized program.
- .7 The facility education supervisor shall identify all eligible youths to determine which inmates shall be eligible for Federal Title I services.
 - a. Inmates who have not reached their twenty-second birthday within the current calendar year, and do not possess a high school diploma shall be evaluated for eligibility;
 - 1) Inmates between the ages of sixteen and eighteen who do not possess a high school diploma, and deemed suitable for an education program, are eligible for Title I services. These inmates shall be placed in a high school equivalency preparatory program for a minimum of fifteen hours per week.
 - 2) Inmates ages eighteen through twenty-one who do not possess a high school diploma, and deemed suitable for an education program, are eligible for Title I services. These inmates shall be provided a minimum of fifteen hours per week of instruction in a basic education or HSE preparatory program.
 - 3) Disabled inmates under the age of twenty-two, who do not possess a high school diploma, and are qualified for educational services under IDEA, shall be provided a minimum of fifteen hours per week of instruction in a basic education program or high school equivalency preparatory program.
- .8 Special circumstances may warrant an inmate unsuitable for participation. These circumstances are:

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- a. The inmate has been deemed unsuitable by the Health Care Division Administrator.
- b. The inmate has demonstrated academic proficiency by scoring at or above the High School grade level on a nationally recognized standardized test, such as the Test of Adult Basic Education (TABE) and possesses a high school diploma or HSE certificate from a nationally accredited institution.
- c. Possesses an advanced degree with a successful work experience or a documented successful work history (consecutive years of employment) which indicates possession of a marketable career or technical skill.
- d. The inmate shall be deemed unsuitable for security reasons where the inmate presents a clear and present danger to self and others.

6.0 PROCEDURES

.1 Concerning Pre-Trial Detainees

- a. The Corrections Education Specialist shall administer a standardized evaluation to each inmate prior to placement in an education program.
- b. Results of this evaluation shall be entered into the inmate's education record in the SMS. Upon sentencing, evaluation results shall be available on the SMS and may be downloaded for inclusion in the inmate's institutional file.

.2 Concerning Sentenced Inmates

a. RAD Responsibilities

- 1) Every adult admitted to a correctional facility under a sentence of incarceration subject to parole shall be informed of the preconditions for parole eligibility established by HRS § 353-64 through the Corrections Education Specialist.
- 2) PSD 8401 shall serve as written notification to the inmate of suitability for participation in the education program.
- 3) The inmates shall be provided with this information within 60 days of commitment.

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- 4) Every committed person will be evaluated through nationally recognized standardized tests, such as TABE, to determine the suitability of the inmate. The educational assessments will consist of a battery of tests to determine both academic and vocational needs.
 - a) If a determination is made that an inmate is deemed unsuitable for participation in an authorized program, a brief report stating the grounds for this determination will be attached to PSD 8400, and forwarded to the CPS-E administrator for final approval.
 - b) A copy of the report with the CPS-E administrator's approval shall be placed in the inmate's active file and a copy sent to HPA.
 - c) Inmates who refuse to participate in the educational evaluation will be informed of their inability to meet the preconditions for parole eligibility under HRS § 353-64. Written notification of the inmate's refusal to participate shall be noted on PSD 8400 and forwarded to HPA. A copy of PSD 8400 shall be placed in the inmate's institutional education file.
 - d) The Corrections Education Supervisor or designated Corrections Education Specialist is responsible for the administration and interpretation of all tests.
 - i) Based on the interpreted results, the Corrections Education Supervisor or Education Specialist shall make recommendations for education programming to the RAD counselors or case manager in charge of the inmate's program plan.
 - ii) The information shall be included in the inmate's transcript and made available to HPA.
 - iii) All reports required by HPA for administrative hearings on setting minimum terms shall include recommendations on authorized program participation.

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- 5) The Corrections Education Specialist assigned to RAD evaluation shall administer a standardized evaluation to all sentenced inmate within 60 days after sentencing.
- 6) Based on the evaluation results, the Corrections Education Specialist will advise the inmate of the requirements under HRS § 353-64, and his/her suitability to participate in the program. Part 1 of PSD 8400 shall be completed.
- 7) Upon determination of suitability, the inmate shall acknowledge the preconditions for parole by reviewing and signing PSD 8401.
- 8) PSD 8400 and PSD 8401 shall be placed in the inmate's education folder and copies forwarded to the RAD for inclusion in the inmate's institutional file.

b. Facility Education Program Responsibilities

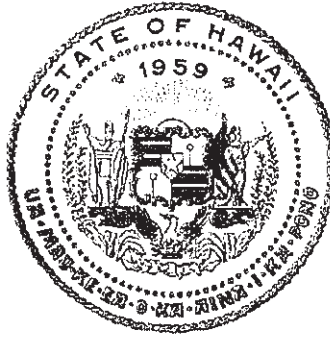
- 1) Inmates deemed suitable for an education/career and technical program shall be scheduled to meet with an Education Specialist to review the inmate's records and test scores.
 - a) The inmate and the Education Specialist shall determine the course of study.
 - b) The inmate is then placed in a prescribed academic/career and technical program.
- 2) Satisfactory participation will be determined by the following:
 - a) The inmate has accomplished one or more of the stated program goals and objectives, as defined in the individual prescriptive plan.
 - b) The inmate has shown significant progress in the current program area of study through the demonstration of competencies learned, and completion of projects or written assessments.
- 3) Satisfactory completion will be determined by one of the following:

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- a) The inmate has successfully completed one or more full programs of study. This shall include obtaining a high school and/or college degree, and/or certificate, upon completion of the program(s) from accredited educational institutions.
 - b) The inmate has demonstrated satisfactory job performance as a trained Peer Tutor, Education Aide, or Education Workline Assistant.
 - c) The Unit Education Specialist will determine satisfactory participation and/or completion after reviewing the individual's prescriptive plan, standardized test scores, and official transcripts.
- 4) All inmate transcripts shall contain a record of participation in and/or completion of an authorized program or programs. Transcripts shall be available on SMS to authorized case managers and parole officers.
 - 5) PSD 8400 shall serve as notification to the HPA of an inmate's suitability for participation in education programs.
 - a) The Education Program Specialist shall complete Part II, "Participation," of PSD 8400.
 - b) Completion of this form will serve as notification of compliance or noncompliance with HRS § 353-64. The form shall be posted or noted on the SMS and made available to authorized case managers and parole officers.
 - 6) PSD Transcript of Records shall serve as the official record of participation in education programs. A copy of the inmate's transcript shall be attached to PSD 8400 at the time of notification to the HPA.

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STATE OF HAWAII
DEPARTMENT OF PUBLIC SAFETY
919 Ala Moana Boulevard, 4th Floor
Honolulu, Hawaii 96814

TO: Hawaii Paroling Authority
THROUGH: Corrections Program Services Division
FROM: Education Services Branch
SUBJECT: PAROLE ELIGIBILITY OF *Inmate Name*
Inmate Social Security Number

I. SUITABILITY

The above named inmate is suitable for participation in:

- ☐ Academic Program.
- ☐ Vocational Training Program.
- ☐ Training Industries Education Program.

The above inmate is not suitable for participation in a corrections education program determined by:

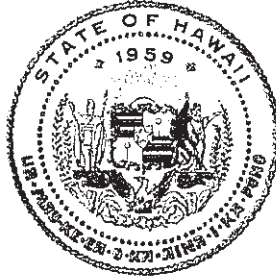
- ☐ Possesses diploma/degree from an accredited institution.
- ☐ Possesses marketable skills and is deemed suitable for employment.
- ☐ Diagnosed by a licensed physician as unable to participate in education programs.
- ☐ Other:

II. PARTICIPATION

- ☐ Refused participation in any or all education programs.
- ☐ Has completed the education assessment and is on a waitlist for program placement.
- ☐ Has completed the education assessment and is not enrolled in an education program.
- ☐ Has completed the education assessment and is enrolled in an education program.
- ☐ Has satisfactorily completed an education program.*

*Transcript attached

III. COMMENTS



STATE OF HAWAII
DEPARTMENT OF PUBLIC SAFETY
919 Ala Moana Boulevard, 4th Floor
Honolulu, Hawaii 96814

NOTIFICATION OF INMATE
REQUIREMENTS UNDER
HRS 353-64 COMMITTED PERSONS PAROLED

NOTIFICATION

Under Hawaii Revised Statutes Section 353-64 Committed Persons Paroled, committed persons in any State correctional institution are required to participate in an education program as a precondition for parole eligibility. The Department will review your educational assessments and history to determine you suitable for participation in any authorized education program. Should you be determined suitable for participation, you must participate in or successfully complete a program in order to be considered eligible for parole.

DETERMINATION

A review of your educational assessment and educational history indicates that you:

- _____ have met the preconditions for parole eligibility established by HRS 353-64.
- _____ have not met the preconditions for parole eligibility established by HRS 353-64 and are referred to the education program section for placement in an authorized education program.

ACKNOWLEDGMENT

I have read the above notification of preconditions for parole eligibility established by HRS 353-64. I fully understand these preconditions. Furthermore, I have been advised of the determination for participation and provided the opportunity to discuss this matter with a Social Worker and/or a Corrections Education Program Specialist.

INMATE: _____ DATE: _____
PRINT NAME

SIGNATURE: _____

INFORMED AND COUNSELED BY: _____ DATE: _____
PRINT NAME

SIGNATURE: _____